

REQUEST FOR CONTINUED EXAMINATION (RCE)**TRANSMITTAL****(INCLUDING FILING FEE AND/OR PETITION FOR
EXTENSION OF TIME FEE)**

Subsection (b) of 35 U.S.C. §132, effective May 29, 2000
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

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To: **Commissioner for Patents**
Box RCE
PO Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.: 1546.1007

First Named Inventor Ji-Won YOON, et al.

Application No. 09/995,829

Group Art Unit 1648

Filing Date November 29, 2001

Examiner Myron G. Hill

CPA Filing Date

Confirmation No 9726

Title of Invention **RECOMBINANT VACCINIA INCORPORATED WITH GENE CODING
GLUTAMIC ACID DECARBOXYLASE AND VACCINE FOR PREVENTING
TYPE 1 DIABETES MELLITUS COMPRISING THE SAME**

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1.


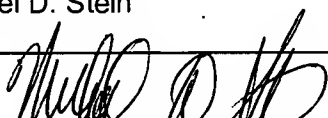
Submission required under 37 C.F.R. §1.114 (Box a or b must be completed)

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on ____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

2.

Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required).
- b. ☐ Other

| | | | |
|---|---|------------------|-----------|
| | | BASIC FEE | \$ 750.00 |
| Since an Official Action set an original due date of <u>June 1, 2003</u> , petition is hereby made for an extension of time to cover the date this RCE is filed, for which the requisite fee is enclosed (1 month (\$110); 2 months (\$410); 3 months (\$930); 4 months (\$1,450); 5 months (\$1,970)): | | | |
| Suspension Fee (\$130.00) | | | |
| Total of above Calculations = | | \$ | 750.00 |
| Reduction by 50% for filing by small entity (Note 37 C.F.R. 1.9, 1.27, 1.28). | | | |
| TOTAL FEES DUE = | | \$ | 750.00 |
| 4. <input type="checkbox"/> Small entity status: a. <input type="checkbox"/> Verified Statement Claiming Small Entity Status. b. <input type="checkbox"/> A Verified Statement Claiming Small Entity Status was previously filed and such status is still proper and desired. c. <input type="checkbox"/> is no longer claimed. 5. <input type="checkbox"/> Other: | | | |
| 6. METHOD OF PAYMENT | | | |
| <input type="checkbox"/> A check in the amount of \$ _____ is enclosed. <input checked="" type="checkbox"/> Charge "TOTAL FEES DUE" to Deposit Account No. 19-3935. (A duplicate copy of this form is enclosed.) | | | |
| 7. GENERAL AUTHORIZATION | | | |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 C.F.R. 1.16 (filing fees) or 37 C.F.R. 1.17 (processing fees) during the prosecution of this application and of any related application(s) claiming benefit hereof pursuant to 35 U.S.C. §120 to maintain pendency hereof and of any such related application to: Deposit Account No. 19-3935. | | | |
| 8. CORRESPONDENCE ADDRESS | | | |
| STAAS & HALSEY LLP  21171 PATENT TRADEMARK OFFICE | | | |
| 9. SIGNATURE OF ATTORNEY OR AGENT REQUIRED | | | |
| NAME | Michael D. Stein | REGISTRATION NO. | 37,240 |
| SIGNATURE |  | DATE | 6/2/03 |

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[Page 2 of 2]

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, DC 20531

on June 2, 2003
 By: [Signature]
 Date: June 2, 2003 (MONDAY)



S&H Form: (01/03)

**REPLY/AMENDMENT
FEE TRANSMITTAL**

| | |
|----------------------|---------------------|
| Attorney Docket No. | 1546.1007 |
| Application Number | 09/995,829 |
| Filing Date | November 29, 2001 |
| First Named Inventor | Ji-Won YOON, et al. |
| Group Art Unit | 1648 |

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AMOUNT ENCLOSED

120.00

Examiner Name

Myron G. Hill

FEE CALCULATION (fees effective 01/01/03)

| CLAIMS AS AMENDED | Claims Remaining After Amendment | Highest Number Previously Paid For | Number Extra | Rate | Calculations |
|--------------------|----------------------------------|------------------------------------|--------------|--------------|--------------|
| TOTAL CLAIMS | 14 | - 11 = | 0 | X \$ 18.00 = | \$.00 |
| INDEPENDENT CLAIMS | 3 | - 2 = | 0 | X \$ 84.00 = | .00 |

Since an Official Action set an original due date of June 1, 2003, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$410); 3 months (\$930); 4 months (\$1,450); 5 months (\$1,970)):

If Notice of Appeal is enclosed, add (\$320.00)

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$110.00)

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)

Total of above Calculations =

\$.00

Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)

TOTAL FEES DUE =

\$.00

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

- ☐ Check enclosed as payment.
- ☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- ☒ No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

GENERAL AUTHORIZATION

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No.

19-3935

Deposit Account Name

STAAS & HALSEY LLP

- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

| | | | |
|------------|------------------|----------|--------|
| Typed Name | Michael D. Stein | Reg. No. | 37,240 |
|------------|------------------|----------|--------|

Signature

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being de-

posited with the United States Patent & Trademark Office by Staas & Halsey LLP
date sent to an electronic address of Assistant
Commissioner for Patent Examination, 20231

on June 2, 2003

By STAAS & HALSEY

June 2, 2003 (MONDAY)